

Yutaska Simpson - 10/26/04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al. PLAINTIFFS
VS. CIVIL ACTION NO. 3:04CV25LN
HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services DEFENDANTS

DEPOSITION OF YUTASKA SIMPSON

Taken at the instance of the Defendant at the
offices of Bradley Arant, LLP, One Jackson Place,
188 E. Capitol Street, Suite 450, Jackson,
Mississippi, on Thursday, October 26, 2004,
beginning at approximately 1:04 p.m.

APPEARANCES:

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COPY

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**Also Present: Earl Scales, Office of Attorney
General**

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1 YUTASKA SIMPSON,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION BY MR. THOMPSON:

5 Q. Good afternoon, Ms. Simpson.

6 A. Hi.

7 Q. My name is Eric Thompson. I'm one of the
8 attorneys from Children's Rights representing the
9 plaintiff in the matter of Olivia Y. Do you
10 understand that you're here to give sworn testimony
11 in that matter?

12 A. Yes.

13 Q. Just a couple of ground rules. If at any
14 point you don't understand a question that I ask,
15 please let me know. I'll try to rephrase it. If at
16 any point you wish to clarify a prior response, let
17 me know. We'll do that on the record. And if at
18 anytime you wish to take a break, please let us know
19 and we'll do that as well.

20 A. Okay.

21 Q. Ms. Simpson, have you done anything in
22 preparation for today's deposition?

23 A. No, no more than contacting the attorney,
24 getting directions, and asking the -- I know Earl
25 Scales from the Attorney General's Office, and I

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1 A. Is it my practice to do?

2 Q. Yes.

3 A. Yes.

4 Q. Do you also understand such documentation
5 to be a DHS requirement?

6 A. Yes.

7 Q. Ms. Simpson, are you the assigned
8 caseworker for the child *Cody B.* ?

9 A. Yes.

10 Q. And if you recall, when were you assigned
11 the case?

12 A. I'm not sure of the exact date. If you
13 have any transfer information, it would have been
14 transferred to me by another worker.

15 Q. Okay.

16 (Exhibit 14 - Order, Jackson County Youth
17 Court marked for identification.)

18 Q. I'm going to show you what's been marked
19 Exhibit 14. Do you recognize this document?

20 A. Yes, sir.

21 Q. And what is it?

22 A. It's an order from the Jackson County
23 Youth Court signed by Judge Sharon Segalus.

24 *Cody B.* Q. And is it in fact regarding the case of
25 ?

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1 placed in the shelter?

2 A. Yes, but again let me say, usually
3 there's someone to take the infants.

4 Q. Are you aware of other children under the
5 age of six being placed in the emergency shelter?

6 A. Am I aware of any?

7 Q. Yes.

8 A. Oh yes.

9 Q. Is it unusual for children under the age
10 of six to be placed in the shelter?

11 A. No.

12 Q. I'd like to direct, again, your attention
13 to page two of Exhibit 15, the largest paragraph on
14 the page, that in parenthesis references "attached
15 evaluations by a Dr. J. Donald Mathern"; do you see
16 that?

17 A. Yes, sir.

18 Q. Is there any reason why the evaluations
19 wouldn't be part of the case file that you
20 maintained for *Cody B.* ?

21 A. No, sir.

22 Q. Do you know who had Calvin's file copied
23 for production to the plaintiffs in this case at the
24 beginning of the summer of this year?

25 A. No, sir.

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1 Q. You didn't do that yourself?

2 A. No, sir. Let me say I don't remember
3 copying it.

4 Q. Are you aware whether these evaluations
5 referenced here are in fact in the case file
6 currently?

7 A. Is this in the case file?

8 Q. I'm asking you whether the referenced
9 evaluations here by Dr. Mathern are in the case
10 file, if you know?

11 A. I don't know. It should be in there. I
12 don't know though.

13 Q. You don't know though?

14 A. Uh-uh (negatively).

15 MR. THOMPSON: I'm going to ask that
16 counsel provide us with these referenced documents
17 because they have not been received as part of the
18 case file that was produced.

19 MS. MALLETT: The case file that was
20 produced on *Cody B.*, you're saying that the --

21 MR. THOMPSON: These documents that are
22 referenced in this case file documents.

23 MS. MALLETT: Dr. J. Donald Mathern?

24 MR. THOMPSON: Right, was not produced as
25 part of the record.

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1 MS. MALLET: I'll just go back and look
2 and see what we have.

3 Q. (By Mr. Thompson) Turning your attention
4 again to page two, Exhibit 15. Do you see the
5 sentence starting with, "Dr. Mathern's test findings
6 suggests"?

7 A. Yes, sir.

8 Q. Is it -- referencing that part of the
9 report, is it fair to say that as of November of
10 2003, you were aware that *Cody B.'s* parents had very
11 limited parenting skills and were not able to
12 adequately and effectively function in a parenting
13 capacity?

14 A. Yes, sir. According to this -- according
15 to Dr. Mathern.

16 Q. Right. So as of the time of this report,
17 you had documented evidence as to these findings?

18 A. I had a psychological evaluation from Dr.
19 Mathern.

20 Q. And those evaluations documented what is
21 reported here in this report?

22 A. Yes, sir.

23 Q. Now, as of that time, November 2003, what
24 was the permanent plan for *Cody B.*?

25 A. Durable legal relative.